

ORDER (Oral)

Per : Shri R. N. Singh, Member (J)

By the present OA, the applicant has challenged the show cause notice dated 23.06.2014 (Annexure A-1) to the OA. The said Show cause notice reads as under:-

“No.PA/P/Elect/Misc/LARSGESS

Date:23/06/2014

SHOW CAUSE NOTICE

*Shri Vinod L Chitare
Khalasi
SSE(E/M)PA*

This is to inform you that your appointment in Railways vide this office order no.1163/2012 dated 27/09/2012 against the LARSGESS is void, as your father Shri Ramchandra L Chitare Khalasi had not rendered minimum required qualifying service in the safety category hence your appointment becomes invalid.

You are hereby summoned to submit your written explanation in this regards within 02 days failing which this office will initiate appropriate action against you.

*Sd/-
(S.V. Thakur)
Assistant Personnel Officer
For DRM(P) PA”*

2. The prayer of the applicant in the OA is as under:

“8(a) This Hon'ble Court Tribunal be pleased to pass an order to decelerating to the effect that the Show cause notice dated 23rd June 2014 as illegal, arbitrary, null and void against the LARSGESS scheme and consequently passed the order quash and set aside the impugned Show Cause Notice dated 23rd June 2014 issued by the respondent No.5

i.e. Divisional Railway Manager Pune (Annexure A-1).

(b) This Hon'ble Court Tribunal be pleased to pass an order to decelerating to the effect that the clarification letter dated 11th March 2013, issued by the Railway Board i.e. Respondent No.4 as illegal, arbitrary, against the scheme of LARSGESS and consequently passed the order quash and set aside the impugned clarification letter dated 11th March 2013, passed by the Railway Board i.e. Respondent No.4 (Annexure A-2)."

3. The Respondents have filed a detailed reply annexing therewith another show cause notice dated 27.06.2014. Learned counsel for the applicant submits that though he has filed MA 894/2014 seeking amendment to the OA for replacing the Railway Board order dated 26.02.2014 with original Railway Board letter dated 11.03.2013, however he has not been able to carry out the necessary amendments. Be that as it may, it is admitted case of the parties that the present petition is against the show cause notice dated 23.06.2014 and even the subsequent clarification show cause notice dated 27.06.2014 issued by the respondents to the applicant has not been challenged by the applicant. It is trite law that the show cause notice which is simply requiring the applicant to submit his explanation against the proposed action against him is not a final order and does not give a cause of action to file OA under

Section 19 of the Administrative Tribunals Act. Learned counsel for the applicant submits that the applicant has submitted his reply/explanation in response to the aforesaid show cause notice dated 23.06.2014. However, a copy of the same he submits that is not placed on record. He further submits that he is also not sure as to whether the applicant has preferred any reply or explanation in response to the show cause notice dated 27.06.2014 of the respondents or not. This Tribunal has granted interim protection vide order dated 02.07.2014 to the applicant by directing the respondents to maintain *status quo* with regard to the service of the applicant and such interim order is stated to be continuing till today.

4. In the facts and circumstances, learned counsel for the applicant submits that the applicant would be satisfied if the respondents are directed to consider the reply/explanation by the applicant in response to the show cause notice dated 23.06.2014 and the applicant is granted 15 days time to prefer a comprehensive reply/explanation to both the show cause notices i.e. 23.06.2014 as well as 27.06.2014 to the Respondents.

5. In the facts and circumstances, OA is disposed of with liberty to the applicant to

prefer a comprehensive reply/explanation in response to the aforesaid two show cause notices dated 23.06.2014 and 27.06.2014 to the respondents and in case such reply/explanation is received by the respondents, within two weeks the respondents are directed to consider the same in accordance with relevant rules and instructions on the subject and to decide the same by passing a speaking and reasoned order within eight weeks and communicate the same to the applicant within two weeks thereafter. Till the communication of such speaking and reasoned order, the respondents are directed to maintain *status-quo* qua the services of the applicant.

6. With the aforesaid directions, the OA is disposed of. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.